

## **Remarks**

The present response is to the Office Action mailed the above-referenced case on July 25, 2005, made Final. Claims 1-24 are presented for examination. The Examiner has objected to claims 3 and 15, and has rejected claims 1-24 under 35 U.S.C. 112, second paragraph for being indefinite. Claims 1, 4, 5, 13, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Gruber et al. (U.S. Patent Application Publication 2002/0029179), hereinafter Gruber. Claims 2, 3, 6, 7, 14, 15 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruber. Claims 8-12 and 20-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gruber in view of Cohen (U.S. 6,422,462), hereinafter Cohen.

Applicant has carefully studied the references provided by the Examiner, and the Examiner's objections, rejections and statements of the instant Office Action. Applicant herein amends the language of the claims to more particularly point out and distinctly claim the subject matter of applicant's invention regarded as patentable, and adds two new claims. Applicant further provides argument to more particularly point out to the Examiner the patentable subject matter of applicant's invention as recited in the claims as amended which, based on the Examiner's rejections and statements, appears to have been misunderstood or overlooked by the Examiner upon examination of applicant's claims.

Applicant would like to first point out that the Examiner's attempt to assert a list of admitted prior art under the "Response to Arguments" section is not accepted by applicant. Applicant does not believe that there is prior art showing non-monetary donations made directly between a donator and a beneficiary via a system as claimed in applicant's invention. Providing IVR access to a beneficiary, as claimed in applicant's system and method, enabling them to interact with the server in lieu of Internet access, is also not shown in the art. Further, applicant does not claim that a user has access to an account set up by the user. Applicant

claims that the system facilitates and enables accounts to be created within the system by cooperating with financial institutions. Applicant does not believe there is prior art showing such a feature in the direct donation system as taught and claimed by the applicant.

Regarding the 112 rejection of claims 1-24, the Examiner states that claims 1 and 13 recite; "enabling a potential donor to obtain online specific information about qualified end recipients", which is not taught in the specification. Applicant points out to the Examiner that applicant's specification (emphasis added) beginning on page 11 recites; "Fig. 4 is an example of a next-level page 57 displayed as a result of selecting one of the hyperlinks in page 55, in this example No.1 for "Doris Smith". This level is an information page dedicated to specific information about the qualified recipient selected in page 55 shown in Fig. 3. A header 59 identifies the recipient Doris Smith. A bulleted list 61 provides information about Doris Smith; and a family picture 65 is provided as well in this example. The skilled artisan will recognize that the format and information shown is exemplary only, and may be much more extensive and detailed than that illustrated in Fig. 4." Applicant argues that this portion easily qualifies the limitation in question and the 112 rejection should be withdrawn.

Also regarding the 112 rejection, the Examiner states claims 4 and 16 recite "financial institutions" for facilitating donations to a recipient. Applicant herein amends the claims to overcome this objection.

Regarding the 102 rejection, claim 1 and 13, as amended, now recite; "a data store accessible to the server and storing information about individuals or families, pre-qualified for donations and associated each with a specific account with a financial institution, the account enabling the potential donors to make contributions and the pre-qualified individuals or families to withdraw donated funds." Applicant argues that Gruber fails to teach donating at the level of the individual or family as claimed. Gruber provides a fundraising site allowing individuals to donate to governmental and charitable organizations. Eliminating

this middle step is an important object of the present invention.

Applicant believes an important difference between the art of Gruber and applicant's invention is that applicant's invention teaches a facility enabling donors to directly contribute to people in need without a portion of their contribution going to support organizational infrastructure. Applicant's system provides a network which connects funds from a donor directly to an account of a beneficiary.

Applicant points out that recently in the U.S. we have witnessed a number of hurricanes and floods where it was witnessed nationally that major governmental and charitable organizations were unable to help victims in a timely manner. Even after weeks and months there are tens of thousands of individuals who remain homeless and cannot receive basic medical and humanitarian services. Further, some potential donors hesitate to give because of the lack of control over their funds once they are given. Donors would be attracted to applicant's system because of the high degree of accountability and assurance received, knowing their funds are going directly to specific victims identified by themselves.

The reference of Gruber on the other hand, clearly and fairly teaches that the donations are solicited by, and made by the donor to the charitable or fund-raising organization, not to the selected specific end recipient, as in applicant's invention. Referring to figure 2 of Gruber, a framework within which the donor enters an organization's Web site is described, the organization being a charitable organization, a non-profit organization, a political action committee (PAC), a political campaign, and so on (paragraphs 0036, 0037). Such organizations are clearly not the intended end recipient of donations made, because the specifics of disbursement of payments to the end recipient are managed by the institutions, not selected by the donor, as in applicant's invention.

Applicant argues that Gruber fails to provide a data store storing information about potential beneficiaries, being individuals or families, pre-

qualified as legitimate by the system. Applicant further argues that Gruber fails to teach setting up accounts for donors and beneficiaries with cooperating financial institutions within the system. The Examiner references figures 5 and 6 of Gruber to read on said limitations. Figures 5 and 6 do not specify accounts, nor do the figures specify where the funds go after donation. It seems entirely possible that all funds go into an internal account of Gruber's system and then are divvied out after a period of time.

The ability for a donor to selectively choose a specific end recipient for donations, and make payment directly to an account associated with the selected individual, family or organization, is an important aspect at the heart of applicant's invention in a particular embodiment. The expected result of applicant's invention, which is clearly not achieved in the invention of Gruber, is enabling donor selection of end recipients for donations, and making direct payment to the selected end recipient, thereby bypassing the need for management of donations and payments by any third party, such as charitable, fund-raising organizations or their agents. Gruber therefore clearly teaches an alternative invention for solving an alternative problem and providing an alternative expected result, which does not provide for a proper 102(e) rejection.


Regarding new independent claim 25 and depended claim 26, the applicant fails to find in the art any ability for a potential donor to set up at a web site an account into which he or she may donate monies, which may be withdrawn by another.

Applicant therefore firmly believes that the independent claims as amended and argued above, and the new claim are now clearly and unarguably patentable over the reference of Gruber. Depending claims 2-12 and 14-24 are then patentable as amended to overcome the objection and rejection due to informalities, on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been clearly demonstrated to be patentable as amended over the art of record, applicant

respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,  
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